

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DASHON HINES,

Plaintiff,

-v-

1:21-CV-1183

OFFICE OF TEMPORARY AND
DISABILITY ASSISTANCE,

Defendant.

APPEARANCES:

OF COUNSEL:

DASHON HINES
Plaintiff, Pro Se
124 Fulton Street, Apt. No. 5C
Buffalo, NY 14204

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On October 29, 2021, *pro se* plaintiff Dashon Hines (“plaintiff”) filed this 42 U.S.C. § 1983 action alleging that defendant violated the American Rescue Plan Act of 2021 when it misinformed him about the date and time of an administrative hearing. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. No. 2.

On November 5, 2021, U.S. Magistrate Judge Andrew T. Baxter granted plaintiff's IFP application for the purpose of filing only and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed without prejudice for improper venue. Dkt. No. 3. In light of plaintiff's extensive history of filing frivolous litigation in this judicial district, Judge Baxter's R&R further recommended that this matter be referred to Chief District Judge Glenn T. Suddaby for the issuance of a pre-filing injunction. *Id.*

Plaintiff has filed objections. Dkt. No. 4. Upon *de novo* review of the portions to which plaintiff has objected, the R&R will be accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

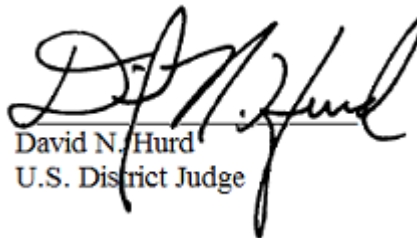
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED without prejudice for improper venue; and
3. This matter is REFERRED to Chief Judge Suddaby for the issuance of a pre-filing injunction.

IT IS SO ORDERED.

Dated: November 30, 2021
Utica, New York.



David N. Hurd
U.S. District Judge